

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

OMAR SEGURA,

Plaintiff,

v.

COELHO,

Defendant.

Case No. 1:23-cv-00780-JLT-BAM (PC)

ORDER GRANTING DEFENDANT’S MOTION
TO MODIFY DISCOVERY AND SCHEDULING
ORDER

(ECF No. 40)

Discovery Deadline: **April 4, 2025**

Plaintiff Omar Segura (“Plaintiff”) is a former state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s first amended complaint against Defendant Coelho (“Defendant”) for excessive force in violation of the Eighth Amendment.

Pursuant to the Court’s June 3, 2024 discovery and scheduling order, the deadline for the completion of all discovery, including filing all motions to compel discovery, is February 3, 2025. (ECF No. 34.)

Currently before the Court is Defendant’s motion to modify discovery and scheduling order, filed January 29, 2025. (ECF No. 40.) Defendant states that good cause exists for the request because Defendant has been actively and diligently litigating this case. Defendant has scheduled to take Plaintiff’s deposition before the deadline for completing discovery and completed necessary investigations and research regarding the claims in this case. Upon investigating the claims and collecting relevant documents, defense counsel learned information regarding a former inmate witness whose testimony would be critical to the resolution of this matter. Defense counsel believes the witness may have information relevant to Plaintiff’s

1 underlying claims against Defendant and Plaintiff's claim for damages. Defense counsel has
2 been unable to make contact with the witness and set a mutually agreeable date to conduct the
3 witness's deposition. The instant request will allow the parties sufficient time to make contact
4 with the witness and to schedule and conduct a deposition. Defense counsel contacted Plaintiff,
5 who supports this request and stated that he will not oppose it. Defendant therefore requests that
6 the Court extend the deadline to conduct discovery by 60 days, up to and including April 4, 2025.
7 (*Id.*)

8 Plaintiff has not yet had an opportunity to file a response, but the Court finds a response is
9 unnecessary. The motion is deemed submitted. Local Rule 230(l).

10 Having considered the request, the Court finds good cause to grant the requested
11 modification of the scheduling order. Fed. R. Civ. P. 16(b)(4). Defendant is unable to meet the
12 current deadline for taking the deposition of this witness, and in light of defense counsel's
13 representation that Plaintiff will not oppose the request, the Court finds that Plaintiff will not be
14 prejudiced by the extension granted here. No other deadlines are altered by this order.

15 Accordingly, IT IS HEREBY ORDERED that:

- 16 1. Defendant's motion to modify discovery and scheduling order, (ECF No. 40), is
17 GRANTED;
18 2. The deadline for completion of all discovery, including filing all motions to compel
19 discovery, is extended from February 3, 2025 to **April 4, 2025**; and
20 3. **A request for an extension of a deadline set in this order must be filed on or before**
21 **the expiration of the deadline in question and will only be granted on a showing of**
22 **good cause.**

23
24 IT IS SO ORDERED.

25 Dated: January 30, 2025

26 /s/ Barbara A. McAuliffe
27 UNITED STATES MAGISTRATE JUDGE
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